



26 APR 2002

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In re Application of	:	
RITTER, Klaus, et al.	:	
Application No.: 09/807,106	:	
PCT No.: PCT/AT99/00240	:	DECISION ON
Int. Filing Date: 05 October 1999	:	
Priority Date: 09 October 1998	:	PAPERS
Attorney's Docket No.: 01099/TL	:	
For: METHOD AND PLANT FOR	:	UNDER 37 CFR 1.42
CONTINUOUSLY PRODUCING	:	
CONSTRUCTION ELEMENTS	:	
APPARATUS	:	

This is a decision on applicants' "Renewed Submission Under 37 CFR 1.42," submitted 01 April 2002.

BACKGROUND

On 05 October 1999, applicants filed international application PCT/AT99/00240, which claimed a priority date of 09 October 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 April 2000. On 22 April 2000, a demand for international preliminary examination was filed with the International Bureau within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 09 April 2001.

On 09 April 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 04 May 2001, USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for late filing of the oath or declaration were required.

On 06 August 2001, applicants filed "Response to Notification of Missing Requirements," accompanied by, *inter alia*, the surcharge for late filing of the oath or declaration and a declaration.

On 22 January 2002, the Office mailed Decision On Papers Under 37 CFR 1.42, refusing the request for status.

On 01 April 2002, applicants filed "Renewed Submission Under 37 CFR 1.42," accompanied by, *inter alia*, a new declaration. The papers included a certificate of mailing indicating that the papers were deposited in first class mail on 21 March 2002.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

In this case, Ms. Ingrid Ritter signed the declaration as "appointed administrator for inventor Gerhard RITTER, deceased." This is acceptable. Additionally, the declaration now lists the residence, postal address and citizenship of each of the inventors and of the legal representative.

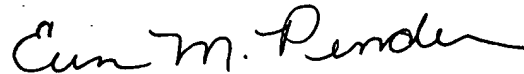
CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing consistent with this decision. The application has an international filing date of 05 October 1999 under 35 U.S.C. §363 and a date of 01 April 2002 under 35 U.S.C. §371.



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